

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED UNDER SEAL

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 13-10200-GAO
)	
DZHOKHAR TSARNAEV)	

**DEFENDANT'S REPLY TO THE GOVERNMENT'S OPPOSITION TO
DEFENDANT'S MOTION TO EXCLUDE TESTIMONY REGARDING
CELLPHONE GEOLOCATION EVIDENCE**

The government concedes that its cellular telephone tower expert's testimony will be limited to opining concerning the general area in which a particular cellphone could have been when its call was handled by a tower, and that the expert will not claim to have determined the exact location of the phone user. Government's Opposition to Defendant's Motion To Exclude Testimony Regarding Cellphone Geolocation Evidence And Request For Daubert Hearing (Gov't Opp.) at 2-3 (*citing United States v. Machado-Erazo*, 950 F.Supp.2d 49, 57 (D.D.C. 2013)). In light of the government's concession and the clarifying exhibits it has provided the Court, the defendant agrees that no *Daubert* hearing need be held at this time. As the government has acknowledged, however, Rules 401, 402, and 403 objections to FBI Special Agent Chad Fitzgerald's testimony may well come into play as the evidence is developed during trial. Gov't Opp. at 4-5. Defendant reserves his right to object on these grounds, and to object should the testimony veer beyond the scope the government has outlined in its opposition.

Respectfully submitted,

DZHOKHAR TSARNAEV

By his attorneys



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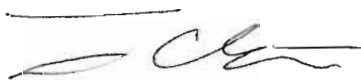
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I hereby certify that this document was served on counsel for the government by email and paper copy by interoffice delivery on December 29, 2014.



Timothy Watkins